

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DMYTRO VEROVKIN,
Plaintiff,
v.
DAVID N. STILL,
Defendant.

No. C 07-3987 CW
ORDER GRANTING
PLAINTIFF'S MOTION
FOR LEAVE TO FILE
OUT OF TIME (DOCKET
NO. 29)

Plaintiff Dmytro Verovkin has moved for leave to file his bill of costs out of time. He was required to file this bill within fourteen days of entry of judgment in his favor on December 21, 2007. See Local Rule 54-1(a). Plaintiff misinterpreted the local rule to require that he file a bill of costs within fourteen days of the government's deadline to file a notice of appeal. Accordingly, Plaintiff filed his bill of costs on March 4, 2008 and it was denied by the clerk as untimely.

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the Court may extend the time specified for doing a particular act, even after the time to do the act has expired, if the failure to meet the deadline is attributable to excusable neglect.

The Court finds that Plaintiff's mistake constitutes excusable

1 neglect and GRANTS Plaintiff's motion. Plaintiff may file his bill
2 of costs within ten court days of this order. Plaintiff is
3 advised, however, that the filing fee he paid to the U.S.
4 Citizenship and Immigration Services in connection with his request
5 that the agency reconsider his application for adjustment of status
6 is not taxable as a cost of this action.

7 IT IS SO ORDERED.

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9 Dated: 4/4/08



10 CLAUDIA WILKEN
11 United States District Judge
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